

1 The Honorable Barbara J. Rothstein
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

13 NORTHWEST ENVIRONMENTAL
14 ADVOCATES,

Plaintiff,

15 v.

16 UNITED STATES ENVIRONMENTAL
17 PROTECTION AGENCY, *et al.*

Defendants,

18 and,

19 STATE OF WASHINGTON,
20 DEPARTMENT OF ECOLOGY,

21 Defendant-Intervenor.

22 Case No. 2:19-cv-01537-BJR

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**COMBINED JOINT STATUS
REPORT AND STIPULATED
SCHEDULING MOTION AND
ORDER**

The Parties to this case have been exploring settlement for the past several months.

Following the Parties' most recent status report, filed on December 1, 2020, the Court ordered the Parties to "file a status report no later than March 1, 2020, apprising the Court of the status of

1 their discussions concerning a possible settlement.” Dkt. No. 43. The Parties’ negotiations are
 2 ongoing. The Parties request an additional 150 days to continue those negotiations.

3 Over the past three months, the Parties have explored approaches for resolving a set of
 4 issues in this case related to the listing of impaired waters under Section 303(d) of the Clean
 5 Water Act, 33 U.S.C. § 1313(d). These talks have involved multiple conferences among counsel
 6 and the participation of staff from the Defendant federal and state agencies as well as the
 7 Plaintiff. Although the Parties intend to continue their discussions on those issues, they now
 8 intend to turn to a set of issues related to the development of Total Maximum Daily Loads, or
 9 TMDLs. As such, the Parties believe that affording them a 150-day period to address this block
 10 of issues in their efforts to reach a settlement, before establishing dates for or initiating any
 11 contested proceedings to resolve the claims in this case, would greatly facilitate those
 12 discussions, as well as potentially preserving the resources of the Parties and the Court.

13 Accordingly, the Parties jointly request that the Court order them to file a status report by
 14 July 29, 2021, to advise the Court of the status of their discussions and whether they request
 15 additional time to pursue settlement should that be appropriate. Alternatively, if the Parties
 16 conclude that additional discussions are not warranted at that time, then the Parties request that the
 17 Court direct them to file no later than August 17, 2021, a supplemental joint status report and
 18 proposed schedule that addresses the remaining matters in the Court’s initial scheduling order.

19 Doc. No. 10.

20 ORDER

21 Based on the foregoing joint motion and stipulation, and for good cause shown, the Parties
 22 shall file a status report no later than July 29, 2021, apprising the Court of the status of their
 23 discussions concerning a possible settlement and indicating whether they request additional time
 24 to pursue such discussions. In the event the Parties conclude that such additional discussions are
 25 not warranted, the Parties shall file no later than August 17, 2021, a supplemental joint status report
 26 and proposed schedule that addresses outstanding matters in the Court’s initial scheduling order.

1 It is so ordered, this 2nd day of March, 2021.
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Barbara J. Rothstein

5 Hon. Barbara J. Rothstein
6 United States District Judge
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1 Respectfully submitted and stipulated to:

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